

HOUSE BILL 1313

By Calfee

AN ACT to amend Tennessee Code Annotated, Title 67,  
Chapter 5, relative to tax relief for certain disaster  
claimants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-5-2410, is amended by adding  
the following as a new subsection:

(f)

(1) For purposes of this subsection (f):

(A) "Claimant" means any natural person or entity that owned real  
property as of January 1, 2009, that was demolished, destroyed, or  
substantially damaged as a result of a coal ash spill occurring in this state  
after December 1, 2008, and before January 1, 2009; and

(B) "Local governmental entity" means any municipality, county,  
or taxing district in this state.

(2) A claimant shall be entitled under this subsection (f) to a reduction of  
the applicable interest rate, or waiver of applicable penalties, or both, in cases  
where interest or penalties, or both, are imposed on any delinquent real property  
taxes due from the claimant to the state or any local governmental entity.

(3) Each assessor of property shall revise or correct the assessment of  
applicable penalties and interest imposed on delinquent real property taxes due  
from a claimant in accordance with subdivision (f)(4).

(4)

(A) All interest imposed on any delinquent real property taxes due from a claimant to the state or local governmental entity shall cease to accrue on the effective date of this act. The interest due from any claimant on such taxes shall only be imposed at a rate of five percent (5%) of the base amount of the taxes remaining due.

(B) All penalties imposed on any delinquent real property taxes due from a claimant to the state or any local governmental entity shall be waived in their entirety by the assessor.

(5) To receive a reduction of interest, or waiver of penalties, or both, under this subsection (f), a claimant shall file an application with the assessor by September 1, 2013, using a form approved by the director of the state division of property assessments. The claimant shall provide the assessor with the address and description of any destroyed, demolished or substantially damaged real property for which an adjustment is sought.

(6) Real property shall be deemed substantially damaged when, as a consequence thereof, it has been rendered unfit for use or occupancy or when the damage has reduced the value of the property by more than fifty percent (50%).

(7) The state or local governmental entity shall collect the taxes and interest on the basis of the revised or corrected assessment as adjusted by the assessor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall only apply to penalties and interest imposed for the 2009 and 2010 tax years.